

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CARLOS MANUEL SIERRA, et al.,

Plaintiffs,

vs.

DESERT PALACE, INC., et al.,

Defendants.

Case No. 2:12-cv-00230-JAD-CWH

**ORDER**

This matter comes before the Court on Plaintiffs' Unopposed Motion for Reconsideration (#63), filed August 9, 2013. Plaintiffs request that the Court reconsider its prior orders identified on the docket as entry #57 and entry #58 and relieve Plaintiffs of their obligation to file a response to Defendants' pending motion for partial summary judgment (#53) until 24 days after the settlement conference currently set for September 13, 2013.

Though not identified by the moving party, the current motion seeks reconsideration of a prior order under Federal Rule of Civil Procedure 60(b). The grounds for reconsideration can normally be divided into three primary categories: (1) newly discovered evidence; (2) the need to correct clear error or prevent manifest injustice; or (3) an intervening change in controlling law. *See e.g. School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). A motion for reconsideration is not a vehicle permitting an unsuccessful party to reiterate arguments previously presented. *See Merozoite v. Thorp*, 52 F.3d 252, 255 (9th Cir.1995); *Khan v. Fasano*, 194 F.Supp.2d 1134, 1136 (S.D.Cal.2001) ("A party cannot have relief under this rule merely because he or she is unhappy with the judgment.").

1 Plaintiffs have not satisfied their burden on reconsideration. Each of the arguments raised  
2 in support of reconsideration was previously raised and considered. The only argument that could  
3 arguably be construed as new is the express representation that the non-moving parties do not  
4 oppose the request. However, at the time the orders Plaintiffs seek to have reconsidered were  
5 entered, no opposition to the underlying motion had been filed; thus, the non-opposition argument  
6 is not technically new because the prior orders were entered without benefit of an opposition. In  
7 sum, this motion for reconsideration is merely an expression of Plaintiffs' unhappiness with the  
8 prior order and does not satisfy any ground for reconsideration under Rule 60(b). Nevertheless,  
9 justice is best served if the parties have a reasonable opportunity to prepare their response to the  
10 Defendants' motion for partial summary judgment. Accordingly,

11 **IT IS HEREBY ORDERED** that Plaintiffs' Unopposed Motion for Reconsideration (#63)  
12 is **DENIED**.

13 **IT IS FURTHER ORDERED** that Plaintiffs shall file their response (if any) to  
14 Defendants' Motion for Partial Summary Judgment (#53) by **Thursday, August 22, 2013**.

15 DATED this 15th day of August, 2013.

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19 **Jennifer A. Dorsey**  
20 **United States District Judge**  
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